

SENATE BILL 49
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 17 and Title 55, Chapter 4, Part 2,
relative to animal boarding facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding
Sections 2 through 13 of this act as new Part 6.

SECTION 2. As used in this part, unless the context otherwise requires:

- (1) "Cat" means any live cat of the species *Felis catus*;
- (2) "Commissioner" means the commissioner of agriculture;
- (3) "Dog" means any live dog of the species *Canis familiaris*;

(4) "Kennel" means any establishment that boards more than four (4) cats or dogs for a fee, provided that a kennel shall not include licensed veterinary facilities or any public or private facility whose principal purpose is the protection of animals from cruelty, neglect or abuse; and

(5) "Person" means any individual, firm, corporation, partnership, association, or other legal entity.

SECTION 3.

(a) It is unlawful for any kennel to board or accept for boarding any dog or cat unless the owner of such kennel has a currently valid license from the commissioner and has complied with the rules and regulations promulgated by the commissioner pursuant to this part.

(b) A violation of this section is a Class C misdemeanor.

SECTION 4.

(a) An application for a license for a kennel shall be made to the commissioner on a form provided by the commissioner, which shall contain space for such information as the commissioner may reasonably require, including evidence of ability to comply with such standards, rules and regulations as are lawfully prescribed by the commissioner.

(b) Each application for a license shall be accompanied by a license fee as set by the commissioner.

SECTION 5.

(a) The commissioner shall issue a license to an applicant after determining:

(1) The applicant or the responsible officers thereof are of good moral character;

(2) The applicant or any responsible officer thereof has never been convicted of cruelty to animals or of a violation of this part;

(3) An inspection has been made of the premises to ensure that it conforms to the provisions of this part and the rules and regulations of the commissioner, and is a suitable place in which to conduct the kennel's business; and

(4) The kennel's business is to be conducted in a permanent structure or building.

(b) Each license shall be issued only for the premises and to the person or persons named in the application and shall not be transferable or assignable except with the written approval of the commissioner.

(c) Licenses shall be posted in a conspicuous place on the licensed premises.

SECTION 6. A license, unless it is suspended or revoked, shall be renewable biennially upon payment of a fee set by the commissioner and the filing by the licensee, and approval by

the commissioner, of an annual report upon such forms and containing such information as the commissioner may prescribe by regulation.

SECTION 7.

(a) The license of any kennel may be suspended or revoked by the commissioner for any of the following reasons:

- (1) The incompetence or untrustworthiness of the licensee;
- (2) Willful falsification of any information contained in the application;
- (3) The conviction of the licensee or any responsible officer thereof of cruelty to animals or a violation of this part; or
- (4) The nonconformance by the licensee to the provisions of this part or the rules and regulations of the commissioner.

(b) If the commissioner has reason to believe that the license of any kennel should be suspended or revoked, the commissioner shall give the kennel ten (10) days' written notice of the commissioner's intention to suspend or revoke the license of the kennel and shall give the kennel an opportunity for a hearing on the issue. The kennel may produce evidence to show cause why the license should not be revoked or suspended. If the commissioner determines that conditions exist which warrant the suspension or revocation of the license, the commissioner may suspend the license for such period of time as the commissioner may specify or may revoke it, and where appropriate, may make an order that the kennel cease and desist from continuing any violation found to have been made of this part. If a kennel license is suspended, the kennel may apply, after ninety (90) days, for reinstatement of the license.

(c) Any kennel aggrieved by a final order of the commissioner issued under this section may, within sixty (60) days after entry of such an order, have the order reviewed in the chancery or circuit court of the county in which the kennel is located.

SECTION 8.

(a) The premises of any kennel shall be made available to the commissioner or the commissioner's representative for inspection at all reasonable times. The commissioner or the commissioner's representative shall make or cause to be made such inspections or investigations of such premises as considered necessary.

(b) The commissioner or the commissioner's representative, or any legally constituted law enforcement agency, may inspect any kennel licensed pursuant to this part as to the humane treatment of animals, for compliance with licensing requirements of this part or to search for lost or stolen animals.

(c) The commissioner shall issue rules and regulations requiring kennels to permit inspection of their animals and records at reasonable hours by a law enforcement officer in search of lost or stolen animals.

SECTION 9. The holder of a license for a kennel shall cause each dog kept therein to wear a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license and the year of issue. Such tags shall be in a form prescribed by the commissioner. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, shall be kept on file and available to inspection by the commissioner and by any law enforcement officer.

SECTION 10.

(a) Kennels shall not accept any dog whose owner does not provide proof that such animal has been vaccinated against communicable diseases such as rabies, distemper, kennel cough, parvo and any other disease prescribed by the commissioner.

(b) Kennels shall not accept any cat whose owner does not provide proof that such animal has been vaccinated against communicable diseases such as rabies, distemper, dysentery, and any other disease prescribed by the commissioner.

SECTION 11.

(a) A person who violates any of the provisions of this part commits a Class C misdemeanor.

(b) After notice of any violation received from the commissioner, each day of a continuing violation constitutes a separate offense.

SECTION 12. When construing or enforcing the provisions of this part, the act, omission, or failure of any individual acting for or employed by a kennel, within the scope of such individual's employment or office, shall be considered to be the act, omission, or failure of the kennel as well as of the individual.

SECTION 13. The commissioner may promulgate such rules and regulations pursuant to title 4, chapter 5, as are reasonably necessary to implement the provisions of this part. Such rules and regulations shall prescribe hygiene standards, authorized means of confinement, exercise requirements for animals in kennels, as well as other requirements.

SECTION 14. Tennessee Code Annotated, Section 55-4-290(c), is amended by adding the following language to the end of the first paragraph of subdivision (1):

In fiscal year 2005, funds produced from the sale of "Animal Friendly" new specialty earmarked license plates, pursuant to § 55-4-215, not to exceed eighty thousand dollars (\$80,000), shall be deposited in a special fund in the general fund to defray costs incurred by the department of agriculture associated with the licensing of kennels pursuant to Sections 2 through 13 of this act. Such funds shall not be available to the department after July 1, 2006.

SECTION 15. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 2006, the public welfare requiring it.